

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARC VEASEY, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 2:13-CV-00193
	§	
RICK PERRY, <i>et al</i> ,	§	
	§	
Defendants.	§	

**DEFENDANTS' NOTICE OF TRIAL EXHIBITS NOT AVAILABLE FOR
ELECTRONIC FILING**

In September 2014, the parties submitted final versions of their trial exhibits in the above-captioned action to the Court on USB flash drives. On November 7, 2014, the Court directed the parties to instead file their trial exhibits electronically, via CM/ECF, so that the exhibits would be included in the record on appeal. (*See* Ex. 1.) On November 12, 2014, Defendants informed the Court that certain of their exhibits were in non-PDF formats, such as video files and Microsoft Excel spreadsheets (the “Non-PDF Trial Exhibits”), which would not properly convert to PDF format. (*See* Ex. 2.)

On November 14, 2014, Defendants were informed by the Office of the Clerk of the Court of the Southern District of Texas (the “Clerk’s Office”) that due to the technical limitations, the Court would be unable to provide a complete record on appeal of Defendants’ exhibits which would include the Non-PDF Trial Exhibits. (*See* Ex. 3.) Accordingly, the parties were directed to retain the Non-PDF Trial Exhibits and confer with the Clerk of the Fifth Circuit, should the parties intend to

refer to the Non-PDF Trial Exhibits on appeal. (*See id.*) Defendants were also asked to file via CM/ECF certain information regarding each of the Non-PDF Trial Exhibits. (*Id.*)

In accordance with the directions of the Clerk's Office, Defendants submit this Notice of Trial Exhibits Not Available for Electronic Filing. Certain of the Non-PDF Trial Exhibits would otherwise have been filed via CM/ECF under seal; accordingly, Defendants intend to treat all requests for copies of any Non-PDF Trial Exhibit which would have been filed under seal as if the exhibit was filed under seal via CM/ECF. Tables identifying the specific Non-PDF Trial Exhibits which would not otherwise be filed under seal via CM/ECF, and those which would otherwise be filed under seal via CM/ECF, are attached hereto as Exhibits 4 and 5, respectively. A complete index of Defendants' trial exhibits is also attached as Exhibit 1 to ECF Docket No. 681.

Dated: November 21, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2014, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ John B. Scott
JOHN B. SCOTT